

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAM-01

SAJ-01 IO-11 ACDA-05 EB-07 DOTE-00 /084 W

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R 061751Z FEB 76

FM AMEMBASSY BONN

TO USMISSION USBERLIN

INFO SECSTATE WASHDC 6306

AMEMBASSY BERLIN

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 02105

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, GE

SUBJECT: TIR CONVENTION IN BERLIN TRAFFIC

REFS: (A) BONN 1584; (B) USBERLIN 157; (C) USBERLIN 124

SUMMARY: FRG BONN GROUP REPS HAVE GIVEN ALLIES COPIES OF TELEX FROM FRG FINANCE MINISTRY TO GDR TRANSPORT MINISTRY IN RESPONSE TO THE LATTER'S JANUARY 16 TELEX TO THE BERLIN SENATOR FOR ECONOMICS ON THE TIR. FRG TELEX IS ALSO ANSWER TO SIMILAR GDR TELEX RECEIVED BY FRG TRANSPORT MINISTRY. BONN GROUP REPS ALSO THINK ANSWER MAY BE REQUIRED FOR GDR UN NOTE NOT ACCEPTING EXTENSION OF TIR TO BERLIN. END SUMMARY.

1. AT FEBRUARY 3 BONN GROUP MEETING, FRG REP (HENZE) CIRCULATED COPIES OF FRG ANSWER TO GDR TRANSPORT MINISTRY'S JANUARY 16 TELEX TO THE BERLIN SENATOR FOR ECONOMICS ON THE TIR (PARA 2, REFTEL C). SENT BY FINANCE MINISTRY, FRG TELEX IS ALSO ANSWER TO SIMILAR  
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TELEX FROM GDR TRANSPORT MINISTRY TO FRG TRANSPORT

MINISTRY.

2. BEGIN TEXT:

TO THE MINISTER FOR TRANSPORT  
OF THE GERMAN DEMOCRATIC REPUBLIC  
BERLIN

RE: THE CUSTOMS CONVENTION ON THE INTERNATIONAL TRANS-  
PORT OF GOODS UNDER COVER OF TIR CARNETS

IN CONFORMITY WITH ARTICLE 28 OF THE TREATY ON QUESTIONS  
OF TRAFFIC BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND  
THE GERMAN DEMOCRATIC REPUBLIC, THE CUSTOMS AGREEMENT OF  
15 JANUARY 1959 ON THE INTERNATIONAL TRANSPORT OF GOODS  
UNDER COVER OF TIR CARNETS IS VALID FOR THE TRANSPORT OF  
GOODS IN ROAD TRAFFIC.

ACCORDING TO THE PROTOCOL NOTE AGREED TO AT THE TIME OF  
THE TRAFFIC TREATY, ARTICLE 28 IS TO BE SUSPENDED  
UNTIL THE NECESSARY MEMBERSHIP WITH EQUAL RIGHTS OF  
BOTH STATES IN THE TIR AGREEMENT. ON 23 OCTOBER 1961  
THE FEDERAL REPUBLIC OF GERMANY DEPOSITED ITS INSTRUMENT  
OF RATIFICATION TO THIS AGREEMENT. PURSUANT TO A  
DECLARATION DEPOSITED ON THIS OCCASION THE AGREEMENT WAS  
ALSO EXTENDED TO BERLIN (WEST) IN ACCORDANCE WITH  
ESTABLISHED PROCEDURES. ACCORDING TO A COMMUNICATION  
OF THE SECRETARY GENERAL OF THE UNITED NATIONS OF 10  
NOVEMBER 1975, THE TIR AGREEMENT ENTERED INTO FORCE FOR  
THE GERMAN DEMOCRATIC REPUBLIC IN CONFORMITY WITH  
ARTICLE 40 WITH EFFECT FROM 22 JANUARY 1976. THEREFORE,  
IN ACCORDANCE WITH ARTICLE 28 OF THE TRAFFIC TREATY  
AND FROM THE SAME DAY, THE TIR AGREEMENT IS  
TO BE APPLIED ALSO WITHIN THE SCOPE OF THE TRAFFIC  
TREATY.

IN ACCORDANCE WITH ARTICLE 34 OF THE TIR AGREEMENT, I  
WISH TO INFORM YOU THAT THE BORDER CONTROL POINTS BERLIN-  
DREILINDEN, BERLIN -HERRSTRASSE, HELMSTEDT-AUTOBAHN,  
HERLESHAUSEN, LAUENBURG, LUBECK-SCHLUTUP, AND RUDOLPH-  
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STEIN ARE AUTHORIZED AS CUSTOMS CROSSING POINTS IN THE  
SENSE OF THE TIR AGREEMENT.

IN VIEW OF THE KNOWN LEGAL POSITION, THE SENATOR FOR  
ECONOMICS HAS FORWARDED TO ME AS THE COMPETENT AUTHORITY  
YOUR TELEX NUMBER 12 OF 16 JANUARY 1976.

SIGNED FOR DR. HIEHLE

END TEXT.

3. FRENCH REP (BOISSIEU) NOTED THAT THE GDR LETTER TO THE BERLIN SENATOR FOR ECONOMICS HAD NOT MENTIONED THE TTA. THIS LEFT THE RELATIONSHIP BETWEEN THE TIR AND TTA AMBIGUOUS. THE GDR MIGHT TRY TO APPLY THE TIR

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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAM-01

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 02105

REGIME TO TRUCKS ON THE TRANSIT ROUTES THEREBY CIRCUMVENTING THE TTA. HENZE REPLIED THAT THE FRG WAS AWARE OF THE PROBLEMS THAT MIGHT BE POSED IF THE GDR WERE TO MAINTAIN THAT THE TIR SUPERSEDED THE TTA. AS A CONSEQUENCE, THE FRG FINANCE MINISTRY IS DETERMINED TO MAINTAIN THE TTA REGIME ON THE TRANSIT ROUTES. THE TIR WILL APPLY ONLY TO NON-TRANSIT ROUTE TRAFFIC.

4. BOISSIEU NOTED A REPORT FROM THE FRENCH BERLIN

MISSION RE BERLIN PROBES WITH TIR DOCUMENTATION (REFTEL B) AND ASKED FOR FURTHER INFORMATION. HENZE SAID HE WOULD CHECK.

5. HENZE REFERRED TO GDR UN NOTE OF NOVEMBER 10, 1975 (C.N.306.1975 TR-2) ON THE TIR WHICH WAS DISCUSSED AT NOVEMBER 25, 1975 BONN GROUP MEETING. ALL REPS AGREED THAT THE GDR NOTE MAY REQUIRE AN ANSWER AS THE  
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GDR OBJECTION TO THE EXTENSION OF THE TIR TO BERLIN MAY NOW HAVE PRACTICAL EFFECTS. (AT THE NOVEMBER 25 BONN GROUP MEETING IT WAS AGREED THAT THE GDR UN NOTE REQUIRED NO REPLY BECAUSE IT FELL "THIS SIDE OF THE OMNIBUS.") THE GERMANE PORTION OF THE GDR NOTE FOLLOWS.

6. BEGIN TEXT:

(TRANSLATION) AS REGARDS THE APPLICATION OF THE CONVENTION TO BERLIN (WEST) THE GERMAN DEMOCRATIC REPUBLIC NOTES IN ACCORDANCE WITH THE QUADRIpartite AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC OF 3 SEPTEMBER 1971 THAT BERLIN (WEST) IS NOT A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND MAY NOT BE GOVERNED BY IT. ACCORDINGLY, THE STATEMENT OF THE FEDERAL REPUBLIC OF GERMANY TO THE EFFECT THAT THIS CONVENTION ALSO APPLIES TO THE "LAND BERLIN" IS INCOMPATIBLE WITH THE QUADRIpartite AGREEMENT.

END TEXT.  
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## Message Attributes

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